IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 22546 of 2003

Between:

M/s.Hyderabad Sheet Metal & Allied Industries, Shed No.B-1, Co-operative Industrial Estate, Balanagar, Hyderabad rep., by its Proprietor K.Bharatveer

..... PETITIONER

AND

1.The Branch Manager, Andhra Bank, S.S.I.,Nacharam Branch, Hyderabad.
2 Union of India, rep., by its secretary, Ministry of Law, R.P.Road, New Delhi.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of mandamus or any other appropriate writ, order or direction, striking down the securitisation and reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, and striking down Section 13, 15 and 34 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and set aside the Notice dated 20-7-2002 issued by the respondent

Counsel for the Petitioner: MR.A.SUDERSHAN REDDY

Counsel for the Respondent no.1 : Mr Kondapu Vijay Kumar Reddy

Counsel for the Respondent No.2: Mr A.Rajasekhar Reddy, Standing Counsel for the Central Government.

The Court made the following ORDER:

(per Hon'ble Sri Devinder Gupta, The Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARDIA CHEMICALS LTD v UNION OF INDIA & ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this writ petition cannot be granted. Writ petition is, therefore, dismissed.

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DEVINDER GUPTA, CJ

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G.ROHINI, J

July 6, 2004.

nmr

ASSISTANT REGISTRAR

// true copy //

SECTION OFFICER

To

1.The Branch Manager, Andhra Bank, S.S.I.,Nacharam Branch, Hyderabad.
2 The Secretary, Union of India, Ministry of Law, R.P.Road, New Delhi.

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